

Dowell, trading as the Yellow Pine Extract Co., Pittsburgh, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 5, 1919, from the State of Pennsylvania into the State of New York, of a quantity of Yellow Pine Compound which was misbranded. The article was labeled in part, "Yellow Pine Compound * * * Prepared By Yellow Pine Extract Co. Pittsburgh, Pa."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turpentine mixed with magnesium oxid and a small amount of jalap.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the wrappers and bottles, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism and sciatica, when, in truth and in fact, it was not.

On January 31, 1921, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$250.

E. D. BALL, *Acting Secretary of Agriculture.*

9040. Misbranding of Hall's Texas Wonder. U. S. * * * v. 54 Dozen Bottles * * * and 30 Dozen Bottles * * * of Drug Products. Decrees of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 8058, 8059. I. S. Nos. 12425-m, 12426-m. S. Nos. C-644, C-645.)

On or about February 13, 1917, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 54 dozen bottles and 30 dozen bottles of drug products at Houston, Tex., alleging that the article had been shipped on January 9, 1917, and September 8, 1916, respectively, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

It was alleged in substance in the libels that the article was misbranded for the reason that the cartons containing the bottles bore the following label, "Dr. E. W. Hall, Sole Manufacturer, St. Louis, Mo.," and that the bottle labels contained the following, "Dr. E. W. Hall, Sole Manufacturer, Office 2926 Olive Street, St. Louis, Mo.," which said labeling or printing was false and misleading in that it represented that the said E. W. Hall, who was the manufacturer of the said drug products or medicine, was a physician, while, in truth and in fact, he was not. It was alleged in substance that the article was misbranded for the further reason that the carton inclosing the bottles bore the following label, "A Texas Wonder Hall's Great Discovery Contains 43% Alcohol Before Diluted. 5% After Diluted The Texas Wonder, Hall's Great Discovery, for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism, Dissolves Gravel. Regulates Bladder Trouble in Children. One small bottle is 2 month's treatment and seldom fails to cure any case above mentioned. Price, One Dollar Per Bottle," which said label, regarding the curative and therapeutic effects of the article, was false and fraudulent, in that said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it as set forth by the printed matter on said carton.

On October 21, 1918, the said E. W. Hall, claimant, having petitioned the court to have the product delivered to him, it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the aggregate sum of \$588, in conformity with section 10 of the

act, and that the goods be held by said claimant, subject to the orders of the court, pending determination of case D. L. 241, "United States of America, Libellant, v. 141 Bottles, more or less, of Drug Products."

On February 5, 1921, the matter having come on for final disposition, and it appearing to the court that on July 21, 1919, judgment was entered in said cause D. L. 241, condemning and forfeiting said drug products as being misbranded, and that said cause had been appealed to the United States Circuit Court of Appeals for the Fifth Circuit, and that the judgment of the District Court had been affirmed by the said Court of Appeals, judgment of condemnation and forfeiture was entered in the present cases, and it appearing to the court that the said claimant had theretofore filed bond in conformity with section 10 of the act, and that the goods had been delivered to him, it was ordered by the court that the cause be closed.

E. D. BALL, *Acting Secretary of Agriculture.*

9041. Adulteration and misbranding of maple sap sirup. U. S. * * * v. New England Maple Syrup Co., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 8501. I. S. Nos. 2870-m, 1736-m.)

On April 3, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the New England Maple Syrup Co., a corporation, Cambridge, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 15 and March 30, 1916, from the State of Massachusetts into the States of Connecticut and Rhode Island, of quantities of alleged maple sap sirup which were adulterated and misbranded. The article was labeled in part, "New England Brand Vermont Maple Sap Syrup Choicest Quality Absolutely Pure. New England Maple Syrup Co. Boston."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was apparently a mixture of cane sugar and maple sirups.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, sugar sirup, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and had been substituted in part for sap sirup, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Maple Sap Syrup * * * Absolutely Pure," borne on the label attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted exclusively of maple sap sirup, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article consisted exclusively of maple sap sirup, whereas, in truth and in fact, it did not consist exclusively of maple sap sirup, but did consist of a mixture composed in part of sugar sirup.

On September 23, 1919, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

9042. Misbranding of Antifebrom, Regilaterro No. 1, Lekarstwo Na Szkorbut, Lekarstwo przeciw Pijanstwu, Krople Bobrowe, Krople Maciczne, Gardlolek, Krople Nazemcowe, and Krople Laurowe. U. S. * * * v. Dr. John Chmiell Co., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 8812. I. S. Nos. 3729-m to 3737-m, incl.)

On July 27, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dr. John Chmiell Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 24, 1917, from the State of Massachusetts into the State of New Hampshire, of quantities of Antifebrom, Regilaterro No. 1, Lekarstwo Na Szkorbut, Lekarstwo przeciw Pijanstwu, Krople Bobrowe,